

**Tennessee Board of Medical Examiners
June 4, 2004**

Teleconference Minutes

A teleconference for the Board of Medical Examiners was held at 2:10 p.m. in the Magnolia Room located on the First Floor of the Cordell Hull State Office Building on June 4, 2004.

Members in attendance electronically: Dr. Allen Edmonson and Dr. David Cunningham

Member in attendance: Dr. Subhi Ali

Staff Present: Rosemarie Otto, Executive Director;
Robert J. Kraemer, Jr., General Counsel;
Sandra Powell, Administrator, Marsha Arnold, Unit
Manager, Mr. Robert O'Connell, Office of General
Counsel, Joseph Schmidt, Office of General Counsel

A teleconference was held to hear the response of Sheran Yeates, MD on June 4, 2004. In attendance for the state were Mr. Bob O'Connell, Office of General Counsel and Mr. Joseph Schmidt, Office of General Counsel. Dr. Yeates was present and accompanied by Nathan Pride, Attorney, and Mr. O'Neal, attorney.

A roll call of the panel was held to determine if each participant could hear the response of the other. Ms. Arnold stated the meeting was being held to hear the response to the summary suspension of Dr. Yeates' medical license. Dr. Cunningham made a motion to proceed to conduct the meeting electronically and Dr. Edmonson seconded the motion. A roll call vote was held to accept the motion and the motion was adopted unanimously.

A motion was made by Dr. Cunningham to proceed to conduct the meeting electronically by determining that the matter to be discussed met the following requirements: The subject matter required timely action, the physical presence of all members was not possible considering the period of time required for action, and the participation by some or all of the members of the board by electronic or other means was necessary. Dr. Edmonson seconded the motion. A roll call vote was held to accept the motion and the motion was adopted unanimously.

Mr. Kraemer addressed the panel asking if each member had received a copy of the Order of Summary Suspension. Each stated they had. He also reminded the panel that they are charged with protecting the health, safety and welfare of the public. He then asked the members to elect a chair for the proceeding. Dr. Edmonson made a motion and Dr. Cunningham seconded that Dr. Ali chair the meeting. A roll call vote was held to accept the motion and the motion was adopted unanimously.

Dr. Ali stated to keep the hearing moving that all statements would be held to a five minute maximum. All participants were asked to identify themselves each time they spoke.

Mr. Pride spoke on Dr. Yeates' behalf stating the information the Board's decision was based on was old information presented by the State and asked the Board to rescind the suspension. Mr. Schmidt, attorney for the state, stated that Dr. Yeates was a drug dealer, a sexual predator, and a thief with a license to practice medicine. Mr. Pride responded with supporting documentation showing the allegations for sexual misconduct had been dismissed by the courts and that the board was premature in their actions. Mr. Pride gave no closing statement on behalf of Dr. Yeates. Dr. Yeates did not testify or give any statements except to briefly respond to a question by Dr. Ali regarding the content of the so-called "sinus cocktails." Mr. Schmidt gave a closing statement arguing that the state remains convinced the summary suspension should be upheld. The panel deliberated discussing the information received but stated that statements by counsel on behalf of Dr. Yeates disputing the facts upon which the Board relied in making its decision was not convincing. Therefore, the Board upheld its prior decision to summarily suspend the medical license of Dr. Yeates.

Dr. Edmonson moved to uphold the previous finding and Dr. Cunningham seconded the motion. The roll call vote was unanimous for Dr. Yeates' license to practice medicine in Tennessee to remain summarily suspended.

These minutes were ratified by the Board on July 20, 2004.

MA/G5064247/BMEmin